

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
 v.) CRIMINAL ACTION
) NO. 03-1727-CBS
EDER D. COELHO,)
a/k/a EDVARDO VIANA LUCAS,)
a/k/a LEVAN DE CHANTAL and)
ABRAO A. OLIVEIRA, a/k/a)
ABRAAO ALVES DE OLIVEIRA,)
a/k/a KEVIN BRAY,)
 Defendants,)
)

)

MEMORANDUM OF PROBABLE CAUSE AND
ORDER ON THE GOVERNMENT'S MOTION FOR DETENTION
September 22, 2003

SWARTWOOD, M.J.

I. Nature of the Offense and the Government's Motion

On September 9, 2003, a criminal Complaint was filed, charging Eder D. Coelho ("Mr. Coelho") and Abrao A. Oliveira ("Mr. Oliveira") (collectively "Defendants"), with knowingly and without lawful authority, possessing, producing and transferring false United States identification documents in violation of 18 U.S.C. § 1028; fraudulently misusing visas, permits, and other immigration documents in violation of 18 U.S.C. §1546; encouraging or inducing an alien to come to, or reside in, the United States, knowingly and recklessly disregarding the fact

that such coming to, entry, or residence was in violation of the law in violation of 8 U.S.C. § 1324; and conspiracy to commit the aforementioned acts and committing overt acts in furtherance of that conspiracy in violation of 18 U.S.C. § 371.

At the Defendants' initial appearance on September 10, 2003 in connection with this Complaint, they were advised of their right to a preliminary examination in accordance with Fed.R.Crim.P. 5.1 and the Government moved for a detention hearing pursuant to in accordance with 18 U.S.C. 3142(f)(2)(A)(risk of flight).

On September 17, 2003, a consolidated probable cause/detention hearing was scheduled and at that hearing, the Defendants waived their right to a probable cause hearing, and assented to an order of detention, but reserved their right to a detention hearing in the future.

II. Order of Detention

In accordance with the foregoing memorandum, IT IS ORDERED:

1. That the Defendants be committed to the custody of the Attorney General, or his designated representative, for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

2. That the Defendants be afforded a reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request by an attorney for the Government, the person in charge of the corrections facility in which the Defendants are detained and confined shall deliver the Defendants to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

RIGHT OF APPEAL

THE PERSON OR PERSONS DETAINED BY THIS ORDER MAY FILE A MOTION FOR REVOCATION OR AMENDMENT OF THE ORDER PURSUANT TO 18 U.S.C. § 3145(b).

/S/CHARLES B. SWARTWOOD, III
CHARLES B. SWARTWOOD, III
MAGISTRATE JUDGE